

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAMION ELLERBY,**  
**Plaintiff**

**v.**

**LEHIGH COUNTY PRISON, *et al.*,**  
**Defendants**

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**CIVIL ACTION NO. 20-CV-2428**

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of February, 2022, upon consideration of Damion Ellerby's

Second Amended Complaint (ECF No. 15), it is **ORDERED** that:

1. The Court's March 24, 2021 Order dismissing this case for failure to file a second amended complaint (ECF No. 14) is **VACATED**.

2. The Clerk of Court shall **REOPEN** this case.

3. The Clerk of Court shall **UPDATE** Mr. Ellerby's address on the docket to:

QK0664  
SCI Phoenix  
1200 Mokychic Drive  
Collegeville, PA 19426

4. The Second Amended Complaint (ECF No. 15) is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

5. The Clerk of Court shall **TERMINATE** Warden Kyle Russel as a defendant in this case.

6. Mr. Ellerby is not granted leave to file a third amended complaint in this matter.

7. The Clerk of Court shall **CLOSE** this case for all purposes, including statistics.

**BY THE COURT:**

  
**GENE E.K. PRATTER, J.**